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Marked-up Version of Replacement Paragraph(s) (37 CFR

1.121(b)(1)(iii):

At lines 1-9 of page 2:

The above aim is accomplished by a support of the above outlined type which[, according to claim 1,] is characterised in that said supporting frame comprises a rear anchoring post with an upper end, two arms extending from the upper end and being substantially symmetrical and diverging from each other, said arms further being at least partially bent upwardly, forwardly, and downwardly so as to embrace the lateral wall of a bicycle bottle, the lower ends of said arms converging and being reciprocally joined so as to form a lower appendix directed towards said post, said appendix being suitable for supporting the bottom wall of said bicycle bottle.

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Remarks

Claims 16-27 and 29 are pending. Claim 16 is the only independent claim. Reconsideration and reexamination of the application is respectfully requested.

The specification has been amended at page 2 for overcoming the Examiner's objection thereto.

For overcoming the Examiner's objection to the drawings, claim 24 has been amended to define the grip means as comprising at least one of "a plate" (15, 20 - see p. 6, l. 21 and p. 6, l. 29) and "a shell" (22 - see p. 7, l. 6). This amendment also allows to overcome the rejection of claim 24 under 35 U.S.C. 112, first paragraph (point 4).

Applicant respectfully disagrees with the Examiner's rejection of claim 28 under 35 U.S.C. 112, first paragraph (point 4), however in order to facilitate examination such claim 28 has been canceled without prejudice or disclaimer.

Applicant respectfully disagrees with the Examiner's rejection of claims 16-29 under 35 U.S.C. 112, first paragraph (point 5), however in order to facilitate examination the claim 16 has been amended at the last four lines (excluding the "lower appendix" and canceling the language relating to the "inside edges") in a manner which is believed to allow to overcome such rejection.

Applicant respectfully disagrees with the Examiner's rejection of claims 16-29 under 35 U.S.C. 112, second paragraph (point 5), however in order to facilitate examination, the claim 16 has been amended to change "a curved space line" into "a curved path" (clearly supported by the original

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disclosure, for example as seen clearly in the drawing figures), and claim 17
has been amended to improve the wording thereof (clearly deducible from
page 5, lines 8-21 of the specification).

The Examiner is kindly requested to note that all of the amendments
proposed herewith and discussed above have been made at this stage of
after final action, and not previously, since the objections and rejections
addressed by such amendments were raised for the first time only in the
final Office action dated April 18, 2003, even though the various
language objected to in the final Office action was already present at
the initial stage of examination.

Applicant further respectfully traverses the rejections of claim 16 under 35
U.S.C. 102(b) based upon: 1.) Call (1,419,488) and 2.) Schlanger et al.
(5,145,138).

With regard to Call, the Examiner equates portion 8 in fig. 1 to applicant's
"first portion" of claim 16 (see final action, p. 5, l. 3, and p. 7, point 14).

Such a position is blatantly erroneous.

In the first instance, applicant's "*first portion*" as required in claim 16 is
"*directed upwardly and forwardly from said upper end of said rear*
anchoring post". In the rejection, the Examiner maintains that Call shows a
"rear anchoring post 9" (p.4, point 9). If portion 9 of Call is applicant's
"rear anchoring post", then portion 8 of Call is not "directed forwardly", as
it may be clearly seen in Fig. 2 wherein portion 8 only extends upwardly
from the upper end of portion 9, directly contrary to the requirements of
applicant's claim 16.

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In the second instance, applicant's claim 16 requires that the claimed first and second portions "*are continuously connected and bent along a curved path with no sharp bends*". In the rejection, the Examiner maintains that **Call** shows a "diverging arms 15" (p.4, point 9). If portion 15 of **Call** is applicant's diverging arm "second portion", then portion 8 of **Call** is not "*continuously connected and bent along a curved path with no sharp bends*" with respect to the second portion 15, as it may be clearly seen in Fig. 2 wherein portion 15 is not only discontinuously connected to portion 8 by means of loop portion 16, but there is clearly a sharp bend (90 degrees as seen in Fig. 2) between the two portions, directly contrary to the requirements of applicant's claim 16.

The above two instances clearly demonstrate the undeniable erroneousness and unfairness of the Examiner's 102 rejection based upon **Call**, and applicant respectfully requests that the Examiner withdraw such rejection.

With regard to **Schlanger et al.**, the Examiner equates portion 56 to applicant's "first portion" of claim 16 (see final action, p. 5, point 10).

Such a position is also blatantly erroneous.

In the first instance, applicant "*two substantially symmetrical and diverging arms*" as required in claim 16 each comprising a "*first portion*". Hence, the claim 16 requires two "*first portions*". However, portion 56 of **Schlanger et al.** is a single portion as it may be clearly seen in Figs. 3 and 4, directly contrary to the requirements of applicant's claim 16.

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In the second instance, the lower ends of the diverging arms 50,52 as urged by the Examiner are also not "*continuously connected and bent along a curved path with no sharp bends*" to the portion 56, as it may be clearly seen in Fig. 5 wherein portions 50,52 are clearly connected to the portion 56 with a sharp bend between the two portions, directly contrary to the requirements of applicant's claim 16.

The above two instances clearly demonstrate the undeniable erroneousness and unfairness of the Examiner's 102 rejection based upon **Schlanger et al.**, and applicant respectfully requests that the Examiner withdraw such rejection.

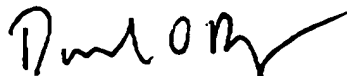
Since the 102 rejections are completely based upon an erroneous and unfair interpretation, which the Examiner should rightly and fairly recognize and correct, the other rejections under 35 U.S.C. 103 are also unfairly grounded, and applicant respectfully requests that the Examiner also withdraw such rejections.

Indeed, there is no fair teaching or suggestion to a person having ordinary skill in the art from all of the prior art of record to arrive at the structural combination as claimed in the independent claim 16. Such claimed structural combination advantageously provides a bottle support structure having a remarkable cost-effectiveness, enhanced mechanical gripping action on the bottle, and a reduced encumbrance with enhanced aerodynamic efficiency, as described at page 1, lines 25-29 of applicant's disclosure. It is submitted that these advantageous results are not fairly taught or suggested to a person having ordinary skill in the art by the known prior art.

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In view of the foregoing, applicant respectfully solicits allowance of pending claims 16-27 and 29.

Respectfully submitted,



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